



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,577	01/26/2001	Larry A. Brocius	6169-145	7601

7590 06/27/2005
Gregory A. Nelson
Akerman Senterfitt
222 Lakeview Avenue, Fourth Floor
P.O. Box 3188
West Palm Beach, FL 33402-3188

EXAMINER

ABEBE, DANIEL DEMELASH

ART UNIT PAPER NUMBER

2655

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/770,577	Applicant(s) BROCIOUS ET AL.	
	Examiner Daniel D Abebe	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-11 and 13 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5 and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindholm et al. (6,694,295).

As to claims 1 and 14-15, Lindholm teaches a speech recognition system in a portable device, a method for completing the user input by limiting the speech recognition selection, comprising the steps of:

Receiving a user input (qualifier) specifying at least one character in which case the speech recognition is limited to words wherein the character/characters are in question and the user speech is matched with the selected sub-model (Col.2, lines 53-67);

And limiting the comparison model to a subset model (col.8, lines 33-38) inherently suggesting a threshold.

"According to a first aspect of the invention there is provided a method for recognizing an utterance of a user with a device, wherein a set of models of the utterances have been stored in advance and, the utterance of the user is received, the utterance of the user is compared with the pre-stored models and, on the basis of the comparison, a recognition decision is made, the method being characterized in that,

Art Unit: 2655

the user is allowed to provide a qualifier limiting the comparison by touching the device, the qualifier identifying an item in a menu structure of the device, a sub-set of models is selected from the stored models on the basis of the qualifier provided by the user said sub-set of models identifying sub-items of the menu structure, and a comparison is made for making the recognition decision by comparing the utterance of the user with said sub-set of models."

As to claims 3 and 5, Lindholm teaches where predetermined characters specifying a word are submitted until the available sub-sets of selection are selected and where the user is notified of the results of his input (Co.Col.4, line 64-Col.5, line 20).

Allowable Subject Matter

Claims 6-11 and 13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the claims are allowed, because Lindholm doesn't teach where the utterance are recognized when the set of recognizable word selection favorably compares to the threshold value.

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 4/11/2005 with regards to claim 1 and some the corresponding dependent claims have been fully considered but they are not persuasive. Setting a threshold amount of selection is inherent in Lindholmes teaching as the purpose of the invention in Lindhol is to limit the number of selection into sub-models so as to reduce the amount taken for the speech recognition.

This is explained by Lindholm as the following

"selecting a sub-set of models of the utterances from said prestored models of the utterances before said comparison, on the basis of the qualifier provided by the user, said sub-set of models of the utterances identifying at least one sub-menu item of said menu item

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D Abebe whose telephone number is 703-308-5543. The examiner can normally be reached on monday-friday.

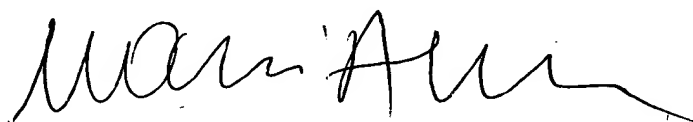
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Abebe, Primary Examiner A.U. 2655

A handwritten signature in black ink, appearing to read 'Dan Abebe', with a long horizontal flourish extending to the right.

June 20, 2005